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Of Attorneys for Defendant Fleetwood Homes, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MARK A. MANIAR,

Plaintiff,

v.

**FLEETWOOD HOMES INC., an Oregon
Corporation,**

Defendant.

Case No. 3:24-cv-01807-HZ

**DEFENDANT FLEETWOOD HOMES,
INC.'S ANSWER AND AFFIRMATIVE
DEFENSES**

DEMAND FOR JURY TRIAL

Defendant Fleetwood Homes, Inc. ("Fleetwood") answers Plaintiff's Complaint as follows:

1.

Defendant Fleetwood admits the allegations in Paragraph 1 of Plaintiff's Complaint.

2.

Defendant Fleetwood lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 2 of Plaintiff's Complaint and, therefore, denies the same.

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3.

Defendant Fleetwood is a Delaware corporation with a manufacturing facility in Woodburn, Oregon. Defendant Fleetwood admits it has a registered agent located in Portland, Oregon. Defendant Fleetwood denies the remaining allegations in Paragraph 3 of Plaintiff's Complaint.

4.

Defendant Fleetwood admits Plaintiff performed inspections of manufactured homes, within the scope of his employment, at Defendant Fleetwood's manufacturing facility on October 7, 2022. Defendant Fleetwood further admits Plaintiff reported that he fell during that visit with the manufacturing facility. Defendant Fleetwood denies it situated a portable metal stairway adjacent to the front door of the manufactured home that Plaintiff inspected. Defendant Fleetwood lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 4 of Plaintiff's Complaint and, therefore, denies the same.

5.

Defendant Fleetwood denies the allegations in Paragraphs 5 through 12 of Plaintiff's Complaint.

6.

To the extent a response to Paragraph 13 is required, Defendant Fleetwood admits the allegations.

7.

Defendant Fleetwood denies all remaining allegations in Plaintiff's Complaint.

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FIRST AFFIRMATIVE DEFENSE

(Contributory Negligence)

8.

Plaintiff's own conduct contributed to any injury he sustained arising out of the allegations asserted in Plaintiff's Complaint in that he: failed to take reasonable precautions to avoid injury to himself, used unknown equipment without the authority of Defendant Fleetwood, and used equipment marked with red tape.

SECOND AFFIRMATIVE DEFENSE

(Failure to Mitigate)

9.

Plaintiff failed to reasonably mitigate all alleged damages, if any.

THIRD AFFIRMATIVE DEFENSE

(Reservation)

10.

Defendant Fleetwood reserves the right to amend its Answer to assert additional affirmative defenses as discovery and circumstances require or permit during the course of this litigation.

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DEMAND FOR JURY TRIAL

Defendant Fleetwood demands a jury trial.

WHEREFORE having fully answered Plaintiff's Complaint, Defendant Fleetwood prays for judgment in its favor and against Plaintiffs, with prejudice, and for its costs and disbursements incurred herein.

Respectfully submitted this 2nd day of December, 2024.

CHINN SMITH WINTERS LLP

BY: 

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Attorneys for Defendant Fleetwood Homes, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing **DEFENDANT FLEETWOOD HOMES, INC.'S ANSWER AND AFFIRMATIVE DEFENSES** on the following attorneys on the date noted below via the following method:

Phillip C. Gilbert
Phillip C. Gilbert & Associates
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Of Attorneys for Plaintiff

Method: ☐ US Mail, postage prepaid
☒ Email – Courtesy Copy
☐ Facsimile
☐ Hand Delivery
☒ CM/ECF Electronic Service

Dated this 2nd day of December, 2024.

BY: 

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